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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
200,690	10/27/80	Roy A. Johnson, et al	3427A-B

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EXAMINER	
Dentz	
ART UNIT	PAPER NUMBER
121	6

DATE MAILED **MAILED**

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

AUG 13 1981

☐ This application has been examined. ☒ Responsive to communication filed on 3/31/81 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 31 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892 2. ☐ Notice of Informal Patent Drawing, PTO-948  
3. ☐ Notice of References Cited by Applicant, PTO-1449 4. ☐ Notice of Informal Patent Application, Form PTO-152

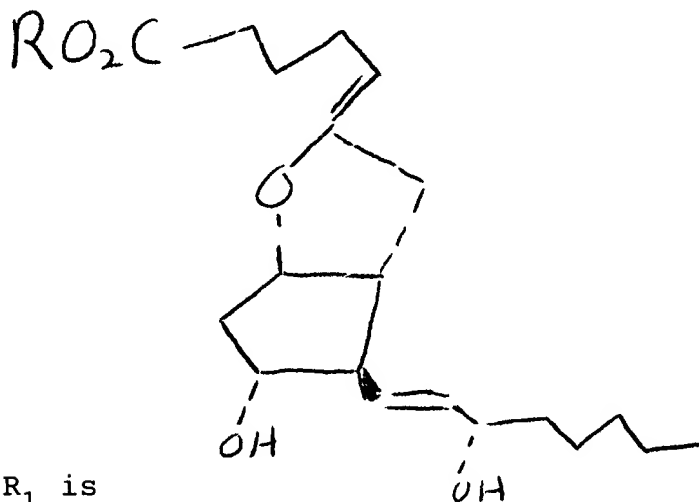
Part II SUMMARY OF ACTION

5. ☐ \_\_\_\_\_
1. ☒ Claims 1-6 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-6 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ The formal drawings filed on \_\_\_\_\_ are acceptable.
8. ☐ The drawing correction request filed on \_\_\_\_\_ has been ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  
☐ been received. ☐ not been received. ☐ been filed in parent application, serial no. \_\_\_\_\_  
filed on \_\_\_\_\_.
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
11. ☐ Other

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Claims 1-6 are again rejected being drawn to the same invention as the Count of Interference 100116 and are also rejected as representing an attempt at double patenting with the claim of applicants' Serial No. 819,940 which is in said interference.

A copy of the Count is produced below.



wherein  $R_1$  is

- (a) hydrogen
- (b) lower alkyl of one to 4 carbon atoms, or
- (c) a pharmacologically acceptable cation.

The claim in applicant's Serial No. 819,940 is identical except that it excludes the free acid.

The instant claims are either essentially identical or do not patentably distinguish from the Count and the claim in Serial NO. 819,940.

Instant claim 1 is drawn to a composition of matter consisting essentially of a pharmacologically acceptable salt of the compound of the Count. The words "consisting essentially" do not distinguish from the salts of the Count. The language of the Count includes compositions of matter consisting essentially of a pharmacologically acceptable salt of  $\text{PGI}_2$ . That is the Count includes these salts of  $\text{PGI}_2$  free from contamination by materials which would change the essential properties of the said salts. Claims 2-4 are particular pharmacologically acceptable salts which all fall within the Count. These claims are supported by both parties' cases in the interference. They are applicant's Serial No. 819,940 and Serial No. 795,524 of Moncada. Claim 5 is drawn to a composition of matter consisting essentially of the sodium salt of  $\text{PGI}_2$  in a free flowing powder form. This is not patentably distinct from the Count. Both parties disclose crystalline sodium salts which are presumably free flowing. Claim 6 is drawn to a parenteral pharmaceutical composition for inhibition of platelet aggregation characterized by being prepared from a free flowing powder form of the sodium salt of  $\text{PGI}_2$  and a diluent. This is supported by both parties to the inter-

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ference and said claim could be made by both parties in the interference. Said composition is one of the disclosed uses of both parties. Thus essentially the claim is drawn to the same invention as the Count.

Applicants' arguments have been carefully considered and are deemed answered by the above.

The rejection is made final.

*BD*  
BDentz:ebw

A/C 703

557-2517

08/03/81

  
JOHN M. FORD  
EXAMINER  
GROUP ART UNIT 121